

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHERRY GRAHAM-ADAMS,

Plaintiff,

v.

OMAHA HOUSING AUTHORITY,

Defendant.

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CASE NO. 8:05CV261

ORDER

This matter is before the Court on the Plaintiff's Motion to Extend Deadline for Filing Motion in Limine and Motion to Recuse (Filing No. 83).

Plaintiff Sherry Graham-Adams seeks additional time to prepare a motion in limine regarding witnesses who were identified on the witness list prepared by Defendant Omaha Housing Authority, but who were not previously disclosed to the Plaintiff. The motion, given its procedural character, will be granted.

In addition, Plaintiff seeks the recusal of the undersigned, and all United States district judges for the District of Nebraska, based on "an appearance of impropriety" that she perceives given that a primary witness in this case, who was formerly employed by the Defendant, is now employed by in the office of the Clerk of this Court. Pursuant to 28 U.S.C. § 455(a), "Any . . . judge . . . of the United States shall disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned." I conclude that there is a sufficient basis for recusal, and the Plaintiff's motion will be granted. Because the same "appearance of impropriety" perceived by the Plaintiff will arise if the case is reassigned to another judge of the District of Nebraska, the Clerk will notify the Chief Judge of this district of this recusal so that he may determine whether the case may be

reassigned to a judge of another district sitting by designation in the District of Nebraska.

IT IS ORDERED:

The Plaintiff's Motion (Filing No. 83) is granted as follows:

1. Plaintiff's motion to extend the deadline for filing a motion in limine is granted;
2. Plaintiff shall file her motion in limine with regard to witnesses identified in Defendant's witness list, if any, on or before Monday, December 4, 2006;
3. Plaintiff's motion to recuse is granted;
4. The undersigned Judge shall, and hereby does, recuse herself from the above-designated case pursuant to 28 U.S.C. § 455(a); and
5. The Clerk of the Court is directed to notify Chief Judge Bataillon of this recusal so he may determine whether the case should be re-assigned to a judge of another district sitting by designation in the District of Nebraska.

DATED this 28th day of November, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge